

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

WILNICK DORVAL, )  
                    )  
Plaintiff,        )  
                    )  
v.                 )      Civil No. 2016-61  
                    )  
MOE'S FRESH MARKET, WALLIE HAMED )  
                    )  
Defendants.       )

---

**APPEARANCES:**

**Wilnick Dorval**

St. Thomas, U.S.V.I.  
*Pro se plaintiff,*

**Wilfredo A. Geigel**

Law Offices of Wilfredo Giegel  
St. Croix, U.S.V.I.  
*For Moe's Fresh Market and Wallie Hamed.*

**ORDER**

**GÓMEZ, J.**

Before the Court is the request of the plaintiff, Wilnick Dorval, for a temporary restraining order.

A temporary restraining order may be issued without notice to an adverse party or her attorney only if the petitioner avers to specific facts in a verified complaint or affidavit "that clearly shows that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Additionally, the petitioner must show: (1) a reasonable probability of

success on the merits; (2) irreparable injury will occur to the movant if relief is not granted; (3) less harm will result to the non-movant if the relief is granted than to the movant if the relief is not granted; and (4) the public interest, if any, weighs in favor of the movant. *Gerardi v. Pelullo*, 16 F.3d 1363, 1373 (3d Cir. 1994) (describing factors for issuing preliminary injunction); see also *Bieros v. Nicola*, 857 F. Supp. 455, 456 (E.D. Pa. 1994) (noting that the standards for issuing a temporary restraining order are identical to those for the issuance of a preliminary injunction).

The premises considered; it is hereby  
**ORDERED** that the motion for a temporary restraining order  
is **DENIED**.

s\\_\_\_\_\_  
Curtis V. Gómez  
District Judge